SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

August 11, 2004

PART A
SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Clean Water Summit *(Bruce Posthumus)*

On July 15, 2004, the County of San Diego's Project Clean Water hosted the third annual "Clean Water Summit" at the University of San Diego. SWRCB member Pete Silva made the keynote speech. Sessions were devoted to compliance with phase II storm water regulations, watershed planning and implementation of watershed plans, fire impacts on watersheds, and regional legislative priorities. John Minan facilitated the session on regional legislative priorities. Richard Wright made a presentation on Tijuana River watershed planning. David Gibson made a presentation on grant funding available through the SWRCB. David Gibson, Deborah Woodward, and Chiara Clemente provided information about financial assistance available through the SWRCB. Bruce Posthumus made a presentation on watershed planning and facilitated the session on watershed planning and implementation of watershed plans. John Robertus, Craig Carlisle, and Jody Ebsen also attended. For more information about Project Clean Water and the Clean Water Summit, see http://www.projectcleanwater.org/.

2. Common Interest Meeting with Rancho California Water District *(Michael McCann)*

On July 26, John Robertus, Mike McCann, and Bob Morris met with Rancho California Water District officials to discuss common interests regarding storm water regulation, the use of recycled water, urban-runoff impacts to groundwater, and general water quality problems and issues in the upper Santa Margarita River watershed. Representing the District were Brian Brady, newly appointed General Manager; Board Members Ralph Daily and John Hoagland; and Bob Lemons, District Engineer.

3. StormCon Conference *(Jeremy Haas)*

On July 27-29, 2004 Megan Quigley, Phil Hammer and Jeremy Haas attended the third annual national North American Surface Water Quality Conference & Exposition (StormCon) held in Palm Desert, California. Forester Communications, publishers of the industry trade magazines "Stormwater" and "Erosion Control", organized the conference. This year's conference included approximately 200 vendors and over 120 speakers covering a wide breadth of urban runoff and storm water management topics (e.g., monitoring, financing, planning, treatment, and prevention).

The rapidly growing industry is large and includes both broad-based products and niche products. Many claims from product representatives, however, were not verified with independent data. In part this is because the industry is responding quickly to shortfalls of first-generation products and newer regulations. For example, there were products

aimed at cleaning concrete without pressure washing, and there were products aimed at keeping trash out of storm drains without promoting flooding during storms. In addition, workshop speakers from the regulated communities discussed experiences with the planning, implementation, and management of urban runoff and storm water source control, pollution prevention, and treatment BMPs. Finally, several speakers and vendors offered guidance on the restoration of streams and wetlands as a way to restore holistic hydrologic and chemical functions that are otherwise addressed with piecemeal structural treatment BMPs.

The conference offered the opportunity to improve understanding of the limitations and applicability of available products and current management activities. This will help with Regional Board oversight of NPDES, Section 401 Water Quality Certification, WDR, NPS, and other surface water quality programs.

4. Low Impact Development (LID) Workshop *(Christopher Means)*

On July 19 – 21, 2004, Robert Morris and Christopher Means attended a workshop on Low Impact Development presented by the Water Board Training Academy. Instructors for the workshop included: Larry Coffman, the Associate Director of the Department of Environmental Resources and principle author of Prince George's County, Maryland's LID design guidelines, and noted expert in the field of bio-retention, Neil Weinstein, Executive Director and founder of the LID Center, and Eric Strecker, a principle with GeoSyntec Consultants, who provided information on west coast LID applications.

Low Impact Development (LID) represents an innovative approach to storm water management that more effectively maintains or restores the ecological integrity of receiving waters. The LID approach does not rely on the conventional end-of-pipe structural methods, but utilizes small-scale distributed water management features within the urban landscape design to replicate predevelopment hydrology and reduce the impacts of development. Storm water is thereby managed in small, cost-effective landscape features on each lot rather than being conveyed and managed in large, costly pond facilities located at the bottom of drainage areas.

Through its municipal storm water and 401 water quality certification programs, the SDRWQCB has been encouraging project proponents and land use planning agencies to consider the LID approach. Although, the SDRWQCB has begun seeing some elements of LID in development plans in recent years, generally the LID approach has yet to catch on in the Region. This is consistent with Mr. Coffman's experience at Prince George's County in Maryland, where it took approximately ten years to overcome institutional resistance to the LID approach to storm water management.

At this time the SDRWQCB is investigating its options to promote LID. These options include conducting MS4 performance evaluations focused on the new development component of the NPDES permits, and reviewing the adequacy of CEQA documents and tentative maps in considering LID.

5. National Water Research Institute Urban Runoff Roundtable *(John Robertus)*
The National Water Research Institute (NWRI) sponsored a one-day roundtable discussion on 4 August, 2004 in Irvine, Ca. to focus on the problems from and solutions to pollution impacts caused by urban runoff. John Robertus attended this invitation-only event along with about 45 public officials, water industry representitves, educators and environmetalists. The Speakers included Orange County public officials, Vicky Wilson and Sonia Nasser, Professors, Dr. Micheal Stenstrom (UCLA) and Dr. Stanly Grant (UCI), and Scientist, Dr. Steve Weisberg (SCCWRP). The presentations and discussion examined many aspects of the causes and nature of pollutants in urban runoff and how to reduce the impacts in the streams and ocean. There was particular emphasis on the low-flow diversion strategy and the measurement and assessment of water quality standards for bacteria. A major point, made repeatedly, is that pollution discharges from urban runoff into Coastal Southern California waters is much more significant than pollution from treated sewage discharges. The event was moderated by Mr. Ron Linsky of the NWRI and he anticipates similar future roundtable events.

PART B
SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(Charles Cheng, David Hanson, Bryan Ott, Victor Vasquez) (Attachment B-1)*
From July 1 to July 31, 2004, there were 17 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; nine of these spills reached surface waters or storm drains of which one resulted in closure of recreational waters. Of the total number of overflows from public systems, four were 1,000 gallons or more.

Seven sewage overflows from private property in June were also reported; none of these overflows was 1,000 gallons or more; three reached surface waters or storm drains; and one resulted in closure of recreational waters.

The combined total volume of reported sewage lost from all publicly-owned collection systems for the month of June was 55,227 gallons. The single largest SSO occurred on July 26 from the City of Lemon Grove sewage collection system (47,250 gallons).

No rainfall was recorded at San Diego's Lindbergh Field in July 2004. For comparison, in June 2004, no rainfall was recorded, and 22 public SSOs were reported. Also for comparison, in July 2003, trace rainfall was recorded and 11 public SSOs were reported.

Attached is a table entitled "Sanitary Sewer Overflow Statistics," updated through July 31, 2004, which contains a summary of all sanitary sewer, overflows (by FY) from each agency since FY 2001-02. From July 1, 2004 through July 31, 2004, approximately 11.3 billion gallons of sewage were conveyed through the Region's sewage collection systems of which 55,287 gallons were spilled (0.0005%).

For additional information on SSO's in FY 2002-2003 see the table entitled "Public SSO Statistics Summary for FY 2002-2003 (July 1-June 30)" attached to the February 2004 Executive Officer's Report (available on the Regional Board's website www.swrcb.ca.gov/rwqcb9).

One Notice of Violation (NOV), with a Request for Technical Information, was issued during the month of June 2004 for significant SSOs.

Rainbow Municipal Water District
NOV No. R9-2004-0268

The Rainbow Municipal Water District (District) notified this office of the following recent sanitary sewer overflows (SSO):

- A 21,450-gallon overflow from the District's wastewater collection system Pump Station #2 at 30516 Old River Road near Bonsall that occurred on May 31, 2004. The District reported that this overflow occurred due to a power failure at the station followed by failure of the station's back-up power supply. The District reported that the final destination of the overflow was an open unpaved area adjacent to the pump station. In April 2003, NOV No. R9-2003-0160 was issued to the District for a 24,000-gallon SSO that occurred at this pump station that month which was also due to a power failure and a failure of back-up power supply.

- A 63,000-gallon overflow from the District's wastewater collection system near the intersection of Highway 76 and North River Road near Bonsall that occurred on June 25, 2004. The District reported that this overflow occurred from a section of the force main from the District's Pump Station #2. The District reported that the overflow percolated into an open field within or adjacent to the flood plain of the San Luis Rey River. Results of bacterial monitoring in the river conducted by the District suggest that the river had been impacted by this overflow. This section of force main had been repaired previously in response to a 1.2 million-gallon SSO that occurred in April 2003; NOV No. R9-2003-0160 was issued to the District for that SSO.

- A 3,200-gallon SSO that occurred on June 29, 2004 during the repair of the force main section that failed on June 25, 2004. The District reported that the SSO was fully contained in and recovered from the repair trench.

- A 1,000-gallon SSO that occurred on June 30, 2004. The District reported that the repaired section of force main, which failed on June 25, 2004, ruptured again and resulted in this SSO. The District reported that this SSO was also fully contained in and recovered from the repair trench.

The Regional Board staff will evaluate these recent overflows after receipt of requested technical information from the District along with the District's previous overflow,

prevention and response record. It is anticipated that further enforcement action will be taken against the District based on its compliance record.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in July 2004
(Stacey Baczkowski)

Section 401 of the Clean Water Act requires that any person applying for a federal permit or license which may result in a discharge of pollutants into waters of the United States, must obtain a state water quality certification that the activity complies with all applicable water quality standards, limitations, and restrictions. The majority of project applications are submitted because the applicant is also applying for a section 404 permit from the Army Corps of Engineers, and propose filling or armoring of creeks and streams.

Public notification of pending 401 Water Quality Certification applications can be found on our web site at: http://www.swrcb.ca.gov/rwqcb9/programs/401cert.html.

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION/WATERBODY	CERTIFICATION ACTION[1]
7/6/04	Beazer Homes	French Valley 178	Development of178 single-family lots (Santa Margarita HU).	Conditional
7/8/04	Warm Springs Investments, Ltd.	Quinta Do Lago	Development of a 215-lot residential community on a 66-acre parcel (Santa Margarita HU).	Conditional
7/12/04	Escondido Union School District	Elementary School at Reidy Creek	Develop 14 acres of a 33-acre site for construction of school facilities (e.g., gymnasium, sports fields) (Escondido HSA).	Conditional
7/13/04	City of San Clemente	2300/2250 South Ola Vista Storm Drain Replacement	Replace 143 feet of deteriorated 18-inch storm drainpipe between properties at 2250 & 2300 South Ola Vista (San Juan HU).	Low Impact
7/16/04	County of San Diego, Department of Public Works	Jamacha Landfill Desiltation Basin	Drainage maintenance of an existing inactive landfill. The project would capture storm water flow from the landfill and convey it through a rock-lined channel (Middle Sweetwater HA).	Conditional
7/19/04	City of Carlsbad	Faraday Avenue Extension, Aqua Hedionda Interceptor, and Carlsbad Oaks North Business Park	Extend Faraday Avenue by 1.3 miles; construct the south Agua Hedionda sewer interceptor to serve existing and planned industrial development; and construct the Carlsbad Oaks North Business Park (Los Monos HSA).	Conditional
7/21/04	Mr. Fred Borst	Chula Vista Auto Park East Project	Development of a previously graded area for an auto park (Otay HU).	Withdrawn by applicant

7/21/04	C.F. Koehler	Koehler Kraft Seawall Replacement Project	Construct a seawall of an industrial grade heavy-duty steel sheet pile retaining wall (San Diego Bay)	Conditional
7/23/04	Century American Development Corporation	Tentative Tract 30734	Tentative Tract 30734 is the subdivision of 38.5 acres of land into 104 single-family residential lots, four open space lots, and six lots containing water quality basins (Murrieta HA).	Conditional
7/28/04	Cajon Valley Union School District	Los Coches Creek Middle School	Construct a middle school and associated facilities (e.g., parking lots, athletic fields) on approximately 35 acres of an 82 acre site (San Diego HA).	Conditional

[1] Low impact certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the projects will adversely impact water quality and suitable mitigation measures are not proposed or possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines. Withdrawn refers to projects that the applicant or Regional Board have withdrawn due to procedural problems that have not been corrected within one year.

3. Grants Update *(Dave Gibson) (Attachment B-3)*

2003 Consolidated Grants Program Update

The Regional Board is negotiating grant agreements for the remaining Consolidated Grants program projects. These include grant agreements for the City of Oceanside Myers Property Restoration and Erosion Control, City of Santee Forester Creek Improvement Project, and San Diego State University San Diego Watershed Ambient Water Quality Monitoring by Citizens. Grant Agreements for these projects should be completed by September 2004. The final San Diego Region project from the Consolidated Grants program remaining to be authorized is a federal Clean Water Act section 319(h) project for Rainbow Creek TMDL implementation. The July SWRCB workshop and Hearing were postponed pending the award of the federal grant from the US EPA to the SWRCB. The SWRCB workshop and hearing are expected to occur in September 2004.

Status of Phase I and Phase II Proposition 13 Grant Funded Projects

The Regional Board recommended termination of the Otay River Watershed Management Plan (WMP) project (Contract No. 02-036-259-0) on July 28, 2004 (Attachment B-3a). As described in the Regional Board memorandum to Barbara Evoy, Chief of the Division of Financial Assistance (DFA), the Regional Board concluded that little progress was made in the development of WMP during the last year. Furthermore, since the May 5, 2004 Regional Board meeting with the County Department of Planning and Land Use (County) regarding the Regional Board's concerns for the success of the project, little improvement in the County leadership of the effort was observed and critical months were allowed to pass without achieving important milestones. Moreover, the very limited

time remaining in the contract now forecloses the opportunity for meaningful stakeholder input to the WMP and the contract deliverables can no longer be satisfactorily completed within the contract timeframe, which cannot be extended. After review of the Regional Board recommendation, the contract file, the overdue tasks and deliverables, and the San Diego County letter of July 29, 2004 (Attachment B-3b), DFA agreed with the Regional Board's recommendation and terminated Contract No. 02-036-259-0 (Attachments B-3c and d).

With the exception of County of Orange Public Facilities and Resources Department's Munger Storm Drain Filtration Project, as discussed in the July 14, 2004 Executive Officer's Report, the remaining Phase I and Phase II Proposition 13 Grant funded projects are progressing according to schedule. The Regional Board is working with the County's Project Director to ensure timely completion of this project.

Proposition 50 Integrated Regional Water Management (IRWM) Grant Program
The IRWM grant program has very significant eligibility and IRWM Plan standards. IRWM funding will be restricted to IRWM Groups with IRWM Plans that meet these standards. These standards are described in the draft guidelines for the Proposition 50 Chapter 8 IRWM grant program that are currently under review and scheduled for public release on August 16, 2004. There will be a 30-day public comment period with comments due on September 15, 2004. Two workshops will be held in northern and southern California. The southern California workshop will be held on Tuesday August 31, 2003 at 10:00 A.M. at the Ayers Suites Hotel 1945 East Holt Boulevard Basque and Pyrenees Rooms in Ontario, CA 91764. The State Water Resources Control Board is expected to conduct a workshop and hearing on the guidelines in September. The Proposal Solicitation Package is expected to be released in October with Planning Grant proposals due in January 2005 and Implementation Grant proposals due in February 2005.

Dave Gibson gave a presentation at the Project Clean Water Summit on July 15, 2004 that summarized current and forthcoming grant programs with an extensive overview of the Proposition 50 IRWM grant program (Attachment B-3e). On July 19th the Regional Board met with representatives of San Diego County and the City of San Diego Water Department to review the eligibility criteria and discuss a strategy to prepare for the public distribution of the guidelines and Project Solicitation Process. The Regional Board also met with the County of Orange and the City of Laguna Beach for the same purpose on August 2nd and June 24th, respectively. The Regional Board will continue to meet with these groups and others as necessary to help them prepare to compete for funds through this important grant program.

4. <u>San Diego County Municipal Storm Water Permit Reissuance Analysis Summary</u> *(Phil Hammer)*
After reviewing all comments received on the report titled "Draft San Diego Municipal Storm Water Permit Reissuance Analysis Summary," the San Diego Regional Water

Quality Control Board (Regional Board) has finalized the report. The final report has not been changed from the previously released draft report. The final report can be found at http://www.swrcb.ca.gov/rwqcb9/programs/sd_stormwater.html.

While the comments received were not found to necessitate changes to the report, the comments will continue to be used and considered as the permit reissuance process proceeds. The Regional Board is currently formulating the process it plans to use for San Diego County Municipal Storm Water Permit reissuance. The reissuance process will continue to provide opportunities for interested parties to participate in the development of the San Diego County Municipal Storm Water Permit.

5. Revised Letter to State Board and Update on Exception to the 2001 California Ocean Plan for Scripps Institution of Oceanography *(Sabine Knedlik) (Attachment B-5)*
On July 15, 2004, the Executive Officer of the San Diego Regional Water Quality Control Board submitted a revised letter to the State Water Resources Control Board (State Board) (letter attached), in support of the proposed State Board action to approve an exception to the 2001 California Ocean Plan for the University of California, Scripps Institution of Oceanography. This letter replaces the previous correspondence on the subject, submitted June 21, 2004, which incorrectly stated that the Regional Board supported the State Board action.

On July 22, 2004, the State Board approved the exception to the 2001 California Ocean Plan for the University of California, Scripps Institution of Oceanography. The State Board granted the exception under several terms and conditions that Scripps Institution of Oceanography has to comply with. These terms and conditions are listed in the State Board's Initial Study and will have to be incorporated into Scripps Institution of Oceanography's NPDES Permit. The current NPDES permit, Order No. 99-83, will expire on November 11, 2004. The Regional Board is currently drafting a NPDES permit that will renew Order No. 99-83. The renewed NPDES permit will address the State Board's terms and conditions, which include increased effluent and receiving water monitoring and storm water management. The NPDES permit is tentatively scheduled for consideration by this Regional Board at its November 10, 2004 meeting.

6. Status of NPDES Permit Renewals of Power Plants in the San Diego Region *(Hashim Navrozali)*
The NPDES permits for the four major active coastal power plants in the San Diego Region will be expiring in the next six months. The four power plants are: the Duke Energy – South Bay Power Plant; the Cabrillo Power, LLC – Encina Power Station; and the Southern California Edison – San Onofre Nuclear Generating Stations (SONGS) Units 2 and 3. The fifth major power plant, SONGS Unit 1, is currently being decommissioned.

Following is summary of the status of the NPDES permit renewals for these power plants:

Duke Energy, LLC, South Bay Power Plant

The tentative NPDES renewal permit (tentative Order No. R9-2004-0154) for the Duke Energy, LLC, South Bay Power Plant (SBPP), in Chula Vista, will be presented for the Regional Board's consideration at its September 8, 2004 meeting. The tentative Order was made available for public review and comment on June 25, 2004. A copy of the tentative Order was mailed to governmental agencies and a number of interested parties. All other interested parties received notice that the tentative Order is available for review. A public notice was published in The San Diego Union-Tribune newspaper on June 25, 2004, notifying the public regarding the availability of the tentative Order and date of the Regional Board's meeting. The tentative Order and Fact Sheet are available for review on the Regional Board's website.

The updated Clean Water Act (CWA) Section 316(a) (*Thermal Impacts*) studies conducted by Duke Energy in 2003 confirmed that certain areas of the SBPP discharge channel have detrimental impacts due to elevated temperatures. This indicates that Duke Energy is not in full compliance with Section 316(a) requirements. The tentative Order requires Duke Energy to take measures to mitigate the detrimental impacts of its thermal discharge and to demonstrate compliance with Section 316(a) requirements. This includes requiring the Duke Energy to move its discharge temperature compliance monitoring point from monitoring station S1 (i.e. 1000 feet downstream of property line) to monitoring station S2 (property line), by the expiration date of the Order. Compliance with the temperature limitations will be enforceable at monitoring station S2 (property line) on the expiration date of the Order. This change will eliminate any potential mixing or dilution zones for temperature and ensure that less heat is dispensed to the discharge channel and that better protection of the beneficial uses of the discharge channel is provided.

The *Updated CWA Section 316(b) Demonstration Study* conducted by Duke Energy in 2003 demonstrated compliance with the requirements of the Section 316(b) (*Intake Structures*) rule (prevailing in 2003).

On February 16, 2004 the USEPA promulgated a new rule for Section 316(b) of the CWA. This rule, *40 CFR 125, Subpart J, Requirements Applicable to Cooling Water Intake Structures for "Phase II Existing Facilities"* Under Section 316(b) of the Act, establishes location, design, construction and capacity standards, for cooling water intake structures at existing power plants that use the largest amounts of cooling water (i.e. greater than 50 MGD). Pursuant to Section 125.95(b) of the new rule, Duke Energy is required to perform a *Comprehensive Demonstration Study* to characterize impingement mortality and entrainment, to describe the operation of the cooling water intake structures at SBPP, and to confirm that the technologies, operational measures, and/or restoration measures it has selected or installed, or will install, to meet one of the five compliance alternatives listed in Section 125.94(a) of the new rule. The *Comprehensive Demonstration Study* will be due in 2008.

Southern California Edison (SCE), San Onofre Nuclear Generating Station (SONGS)

The tentative NPDES renewal permits for the SONGS Units 2 and 3 are scheduled to be presented for the Regional Board's consideration at its regularly scheduled Board meeting on October 13, 2004. SCE owns and operates the SONGS facilities consisting of Unit 1 (currently being decommissioned) and Units 2 and 3. The three Units are regulated under three individual Orders. Order Nos. 99-47 and 99-48 for SONGS Units 2 and 3, expiring on August 11, 2004, serve as NPDES permits and regulate the discharges of once-through cooling water and other low volume wastes from SONGS Units 2 and 3 to the Pacific Ocean. The NPDES permit for SONGS Unit 1 (Order No. 2000-04) will expire on February 9, 2005. SONGS Unit 1 is currently being decommissioned by SCE but continues to discharge secondarily treated domestic sewage and cooling water used to remove waste heat from the spent fuel pool.

On February 13, 2004, SCE submitted NPDES permit renewal applications for SONGS Units 2 and 3. In its applications, SCE proposed to route all its sewage and cooling water wastes from Unit 1 to the Unit 2 outfall. This action will eliminate the need for a separate NPDES permit for Unit 1.

The Regional Board deemed SCE's NPDES renewal applications complete on July 1, 2004 and is currently preparing tentative waste discharge requirements for the SONGS Units 2 and 3. The Regional Board's contractor, Tetra Tech, is assisting with the preparation of the tentative waste discharge requirements. A copy of the tentative Order will be mailed to all interested parties at least 30 days prior to the October 23, 2004 Board meeting, for their review and comment. A newspaper notice notifying the public regarding the availability of the tentative NPDES renewal permits will also be published at that time.

A CWA Section 316(a) (*Thermal Impacts*) study at the SONGS facility was last conducted in 1989. The facility demonstrated compliance with Section 316(a) requirements at that time. Tetra Tech is currently evaluating the compliance of the SONGS facility with Section 316(a) requirements based on existing conditions of the receiving waters (including composition of marine communities) and existing operational parameters at the facility. If it is determined that the SONGS does not fully demonstrate compliance with Section 316(a) based on existing conditions, SCE may be required to conduct a new Section 316(a) demonstration study. A requirement to develop and implement a Section 316(a) demonstration study may be incorporated into the renewal NPDES permits.

The CWA Section 316(b) (*Intake Structures*) study at the SONGS facility was last conducted in 1989. The facility demonstrated compliance with Section 316(b) requirements at that time. Pursuant to the new Section 316(b) rule, SCE will be required to perform a *Comprehensive Demonstration Study* to characterize impingement mortality and entrainment, to describe the operation of the cooling water intake structures at SONGS, and to confirm that the technologies, operational measures, and/or restoration measures it has selected or installed, or will install, to meet the compliance alternatives listed in new rule. The *Comprehensive Demonstration Study* will be due in 2008.

Cabrillo Power, LLC (Cabrillo), Encina Power Station (EPS)
The tentative NPDES renewal permit for the EPS is scheduled to be presented for the Regional Board's consideration at its February 2005 meeting. The current NPDES permit (Order No. 2000-03) for the EPS will expire on February 9, 2005. Order No. 2000-03 regulates the discharges of once-through cooling water and other low volume wastes from the EPS to the Pacific Ocean. On June 23, 2004, Cabrillo submitted its NPDES permit renewal application for the EPS. The Regional Board deemed the application complete on July 16, 2004. The Regional Board will be preparing tentative waste discharge requirements for the EPS in the next few months. Regional Board's contractor, Tetra Tech, will be assisting with the preparation of the tentative waste discharge requirements.

A CWA Section 316(a) (*Thermal Impacts*) study at the EPS was last conducted in 1980. The facility demonstrated compliance with Section 316(a) requirements at that time. Tetra Tech is currently evaluating the compliance of EPS with Section 316(a) requirements based on existing conditions of the receiving waters (including composition of marine communities) and existing operational parameters at the facility. If it is determined that EPS does not fully demonstrate compliance with Section 316(a) based on existing conditions, Cabrillo may be required to conduct a new Section 316(a) demonstration study. A requirement to develop and implement a Section 316(a) demonstration study may be incorporated into the renewal NPDES permit.

The CWA Section 316(b) (*Intake Structures*) study at EPS was last conducted in 1980. The facility demonstrated compliance with Section 316(b) requirements at that time. Pursuant to the new Section 316(b) rule, Cabrillo will be required to perform a *Comprehensive Demonstration Study* to characterize impingement mortality and entrainment, to describe the operation of the cooling water intake structures at EPS, and to confirm that the technologies, operational measures, and/or restoration measures it has selected or installed, or will install, to meet the compliance alternatives listed in the new rule. The *Comprehensive Demonstration Study* will be due in 2008.

Cabrillo has entered into partnership with Poseidon Resources, a water resources development company, to develop a 50 MGD desalination facility at the EPS. Cabrillo Power has been operating a pilot desalination plant at EPS since January 2003. The pilot plant is regulated under the existing NPDES permit (Order No. 2000-03) for the EPS. The data generated from the pilot plant will be used to develop the full-scale 50 MGD desalination facility.

The 50 MGD desalination facility will be diverting water from the power station's cooling water discharge pond to a reverse osmosis (RO) system for membrane filtration treatment and production of desalinated water. The waste brine generated from the RO system will be routed back to EPS' cooling water discharge pond and subsequently to the Pacific Ocean for disposal. Poseidon Resources has informed the Regional Board that in the near future it will be submitting a separate NPDES permit application for discharge of waste brine from the 50 MGD desalination facility.

7. Sweetgrass Estates Open Space Easement Update *(Jeremy Haas)*
During the public forum at the June 10, 2004 Board meeting, Mr. George Courser and Ms. Carol Baldwin alleged that the County of San Diego has failed to protect the Sweetgrass Estates open space easement and that this failure has resulted in adverse impacts to water quality. Sweetgrass Estates is a residential development located in the unincorporated community of Bonsall. Specifically, Mr. Courser and Ms. Baldwin are concerned about residents in the development removing native habitat in the open space easement and replacing it with urbanscape. The riparian open space easement is tributary to the San Luis Rey River. Mr. Courser reported that the County concluded that the removal of the riparian habitat was in response to the local fire department's directive for homeowners to clear vegetation around their homes.

By letter dated June 9, 2004, the California Department of Fish and Game (CDFG) and U.S. Fish and Wildlife Service (USFWS) directed the County to have not only the structures removed from the Sweetgrass easement and riparian area, but also to replant the riparian area. CDFG has investigated the matter of vegetation clearing at Sweetgrass Estates and reports that progress has recently been made with local fire departments to decrease their use of template letters of the kind that may have led to unnecessary brush clearing at Sweetgrass Estates. CDFG notes that riparian areas do not pose the same fire risk as upland vegetation, and it has assigned staff to work with fire departments, municipal governments and homeowners on the issue. Based upon the facts presented to date, the Regional Board defers to CDFG and USFWS any decision for requiring restoration of the riparian vegetation and no further action by the SDRWQCB is warranted at this time.

8. Harbor Monitoring Letter *(Pete Michael) (Attachment B-8)*
On July 29, 2004 the Executive Officer sent a Section 13267 letter to the responsible agencies for the five harbors in the San Diego Region requesting submittal of a detailed harbor monitoring proposal by September 30, 2004. This letter is presented in Attachment B-8. This letter follows up on the initial request letter described in the August 2003 Executive Officer's Report.

The initial Section 13225 letter sent in July 2003 had asked five agencies administering the harbors to submit a comprehensive and coordinated harbor monitoring proposal to the Regional Board by January 1, 2004. In November 2003, the Executive Officer met with a harbor monitoring working group consisting of representatives from the County of Orange, City of Oceanside, City of San Diego, and Port of San Diego. Marine Corps Base Camp Pendleton has yet to respond to the July 2003 letter. The working group explained that the four responding local agencies had hired MEC Analytical Systems of Carlsbad to produce a concept of a coordinated monitoring program, but that a detailed proposal could not be completed before the January 1, 2004 action date. The Executive Officer agreed that a technical report presenting the concept for a monitoring program should instead be submitted. In late February 2004 the harbor agencies submitted the *Technical Report: Harbor Monitoring Program for San Diego Region; San Diego Bay, Mission Bay, Oceanside Harbor, and Dana Point Harbor*.

Concurrently with the planning for a coordinated monitoring program, the San Diego Regional Board expects to launch a limited-term harbor copper and toxicity ambient sampling project. The State Water Resources Control Board designated $100,000 from the Surface Water Ambient Monitoring Program (SWAMP) to fund the project in Fiscal Year 2004-2005. The primary contractor would be the Southern California Coastal Water Research Project (SCCWRP). The copper sampling could be viewed as a preliminary investigation or pilot project for the larger, long-term San Diego Region harbor effort. Copper and toxicity sampling could also assist the statewide SWAMP effort in initiating the first major marine monitoring project, currently an underemphasized aspect of SWAMP. Shortly, the Regional Board will work with SCCWRP to write an agreement, establish a quality assurance program, and begin sampling. Data from the copper and toxicity harbor sampling project will be incorporated into the SWAMP database

9. Bacteria-Impaired Waters TMDL Project I for Beaches and Creeks *(Christina Arias*)
Over the past several months, staff has made significant progress on the *Bacteria-Impaired Waters TMDL Project I for Beaches and Creeks*. This project will result in a TMDL Basin Plan amendment to restore contact recreation and shellfish harvesting beneficial uses in bacteria-impaired waters for approximately 18 distinct waterbodies on the Clean Water Act Section 303(d) List of Impaired Waters. This report provides an update on activities since our last item in the March 2004 EO Report. Unless otherwise specified, all dates in this report occurred in 2004.

Following the release of the Draft Technical TMDL Report (Report) on February 24, the Regional Board held a Public Workshop and first Stakeholder Advisory Group (SAG) Meeting for the project on March 9. The SAG is comprised of stakeholders from various disciplines/geographic locations, and consists of MS4 NPDES Order Copermittees from all coastal watersheds in the San Diego Region, Publicly Owned Treatment Works, environmental groups, the California Department of Transportation, research and academic organizations, and agriculture, business, and industry representatives. The SAG's duties include commenting on the Report, and assisting the Regional Board in developing and writing the Implementation Plan for the TMDL.

At the March 9 workshop the Regional Board provided an overview of the Report, and TetraTech, the Regional Board's consultant and lead author of the Report, gave a technical presentation on the watershed modeling used to calculate the TMDLs. Approximately 50 people attended the workshop.

The SAG was invited to submit written comments on the Report which were extremely helpful to the Regional Board in strengthening the modeling and technical aspects of the report, revealing issues that needed clarification, and providing insight into stakeholder concerns with the project. Due to the complexity of the models and waste load/reductions calculations, and in response to a SAG request, additional meetings were held on March 26 and June 15. At those meetings, the Regional Board, with the assistance of TetraTech, clarified and answered questions regarding the regulatory and

modeling aspects of the TMDL Report, responded to consensus comments submitted by the SAG members, established a schedule for getting the TMDL to peer review, and discussed possible participation of the SAG and Regional Board in two new SCCWRP studies on reference beaches and watersheds relevant to the TMDL (see companion item on the SCCWRP studies).

Per the SAG's request, the Regional Board provided a list of modeling assumptions, a table of data sources, and copies of reference documents, and agreed to accept comments on the new information until August 19. In the meantime, staff is revising the Report for peer review, incorporating the SAG comments as appropriate, and preparing the peer review package. As soon as the TMDL is submitted for peer review, the Regional Board and the SAG will begin developing the Implementation Plan. Our long-term goal is to bring the TMDL Basin Plan amendment to the Regional Board for adoption before the end of June 2005.

10. Regional Board to Assist Southern California Coastal Water Research Project (SCCWRP) with Studies of Natural Loading of Bacteria at Beaches, and Bacteria and Other Pollutants in Watersheds *(Julie Chan)*

SCCWRP is beginning a study of natural loading of bacteria at beaches (called the Reference Beach Study), and natural loading of bacteria and other pollutants in watersheds (called the Natural Loading Study). The purpose of the two studies is to determine the representative densities of bacterial-indicators at beaches at the outlets of undeveloped watersheds, as well as the concentrations of various pollutants including bacteria in watersheds where human sources are negligible. The Reference Beach Study is largely financed by the Los Angeles Regional Board and is designed for application to the Los Angeles Region. However, we are hopeful that with minimal expansion of the study, the results can be applied in our Region. If so, the study results will be used to develop a Basin Plan amendment to adopt implementation provisions for bacterial water quality standards based on the reference beach approach (see Triennial Review Issue No. 7). This approach requires that bacteria loading at urbanized beaches be reduced to levels of the reference beach/watershed. The reference beach approach ensures that water quality at other monitored shoreline locations is at least as good as the reference beach fed from an undeveloped area. A certain frequency of exceedance of the bacteria water quality objectives would be allowed at urban- and agriculture-impacted beaches to account for natural loading of bacteria.

Preliminary GIS analyses to find undeveloped watersheds with beaches at their outlets have identified two at Camp Pendleton, and several at the Los Angeles – Ventura County line. The Regional Board is assisting SCCWRP with gaining authorization from the Marine Corps at Camp Pendleton to conduct the on-base parts of the study. A meeting at the base took place on August 10, 2004. The Regional Board and the Stakeholder Advisory Group for the *Bacterial-Impaired Waters TMDL Project I* are working together to identify and contribute additional resources to SCCWRP for the Reference Beach Study to ensure its applicability in the San Diego Region. Resources might include

personnel to conduct additional sampling, or use of laboratory contracts for additional sample analyses.

11. GAO Report on Sewage No Discharge Zones in Harbors *(Pete Michael)*
The Congressional General Accounting Office (GAO) published a report of an investigation into sewage "no-discharge zones" in late June 2004. This investigation could have been launched in response to California's opposition to a bill in the House of Representatives.

The September 10, 2003 executive officer report describes *California's Opposition to H.R. 1027, a Bill to Allow Sewage Discharges From Boats Into Sewage No-Discharge Zones.* House Bill 1027, the *Recreational Waters Protection Act,* is a pending federal bill introduced by Representative Jim Saxton of New Jersey. The bill would allow discharges of treated sewage from boats into Clean Water Act no-discharge zones.

Since 1976, four no-discharge zones in the San Diego Region have been approved by USEPA under Section 312(f). The zones are located in civilian small craft harbors from Dana Point to San Diego Bay. Passage of the bill would allow boats to pump disinfected ground-up sewage into harbor waters at yacht clubs and marinas. The Executive Officer's recommendation became part of a general recommendation for the California Congressional delegation to oppose HR 1027. Mr. Saxton subsequently requested a GAO investigation into the 59 no-discharge zones located in 23 states.

Two GAO investigators interviewed Mr. Art Coe and Mr. Pete Michael of the San Diego Regional Board staff in February 2004, and incorporated the San Diego information into a report received in late June: GAO-04-613, *"Water Quality: Program Enhancements Would Better Ensure Adequacy of Boat Pumpout Facilities in No-Discharge Zones."*

The General Accounting Office report noted that the states generally have favorable opinions of no-discharge zones; however, because of the cost and the difficulty of observing overboard discharges, relatively few state or local enforcement programs are in place to adequately regulate sewage discharges to no-discharge zones. A notable exception is at Catalina Island where the Avalon Harbor Patrol requires dye tablets be sealed inside boat sewage holding tanks to indicate overboard discharges. The San Diego Region zones are more typical, however, in that education measures and positive boater attitudes appear to be the drivers in reducing overboard discharges. The GAO studied the no-discharge programs of 12 of the states, including California, the state with the most no-discharge zones. The report states:

> *"…Although few data are available, EPA, state, and local officials report that water quality and environmental stewardship have increased following designation of no-discharge zones. States and localities value no-discharge zones as a part of comprehensive plans to improve water quality, such as the water quality improvement plan for the Chesapeake Bay. However, because it can be difficult to link water pollution to specific sources or water quality improvements to specific programs, quantifying the effect of no-discharge zones versus other pollution control programs*

is problematic. As a result, some state and local officials cite proxy measures, such as the number of gallons of sewage pumped from boats through pumpout facilities, as evidence that no-discharge zones help protect water quality. Along with the water quality benefits, some state and local officials say that no-discharge zones have fostered a sense of environmental stewardship among boaters and marina owners and have encouraged them to take concrete steps to protect sensitive waters…"

The GAO report concludes that the states believe the no-discharge designations contribute to improved water quality in coastal waters, but that the USEPA and the Coast Guard do not exercise adequate oversight and enforcement authority to protect these zones. The report makes these recommendations:

"To ensure that pumpout and dump station facilities remain available in existing no-discharge zones, we recommend that the Administrator of EPA develop a mechanism or mechanisms to help ensure that facilities in established no-discharge zones remain adequate and available over time, seeking additional authority, if needed, to require periodic recertifications in which the adequacy and availability of facilities would be reevaluated by EPA or by reviewing periodic state assessments of the adequacy and availability of facilities in existing no-discharge zones.

Because of the current confusion about the Coast Guard's enforcement role for no-discharge zones, we recommend that the Coast Guard and EPA (1) meet with the relevant states to review the enforcement roles in the state-designated no-discharge zones, (2) determine whether current enforcement is adequate, and (3) clarify the respective enforcement roles in EPA and Coast Guard guidance and, if appropriate, revise federal regulations."

Between November 1999 and February 2002, U.S. Representative Saxton introduced three similar bills to allow discharges to sewage no-discharge zones. Congress passed none of these bills. The current version of the *Recreational Waters Protection Act* was introduced in February 2003.

Report Number GAO-04-613 is available on the Internet at www.gao.gov.

12. Interstate 15 Tanker Spill on July 21 (*Brian McDaniel and John Odermatt)*

County Hazardous Materials (Haz-Mat) staff reported that the tanker truck containing approximately 4,000 gallons of a solution comprised of 1% hydrofluoric acid, 5 % hydrochloric acid and 17,000 ppm chromium spilled its contents along I-15, near Deer Springs Road, north of Escondido. The spill reportedly sprayed across the highway, entered a concrete culvert/channel and flowed down the culvert for approximately 300 feet. County Haz-Mat reported that all but 100 gallons was spilled.

Caltrans had Foss Environmental conducting the cleanup of the spill. The spill was pH neutralized at the time of occurrence. Additional remediation will consist of soil removal, vegetation removal, neutralization and contained washing where other methods not feasible (in concrete lined culvert). Initially, areas where washing was performed the

contractor used pH as the indicator of cleanup. Excavated soils/sediments from the culvert were placed in roll-off bins for offsite disposal. California Department of Fish and Game (CDFG) staff is conducting project oversight, while the Regional Board serves a supporting role in the cleanup.

Approximately 300 feet of a concrete lined culvert has undergone several flushing rinses to remove and reduce residual amounts of chromium from the channel. Standing water resulting from the flushing and rinsing procedures was tested to determine residual chromium levels. Sample results have indicated that chromium continues to leach from the boulder/concrete matrix. The spill appears to be a potential surface water issue as most of the waste was contained within the lined channel. The surface waters in the South Fork of Moosa Canyon, a tributary to the San Luis Rey River, remain a concern.

The CDFG staff was unable to identify additional methods or substances including polymers, or chelating agents, that could be used to assist in the additional removal of any remaining chromium present within the existing concrete channel. In discussing the issue with the Responsible Party or "RP" (Hazardous Transportation Services – HTS) and County Haz-Mat, the CDFG staff requested the Regional Board staff provide input regarding the following:

- continued flushing of the concrete lined channel, or
- make plans to cap the bottom with a layer of fresh concrete.

Based upon chemical analyses from July 27, 2004 and August 2, 2004, the CDFG and County Haz-Mat staffs are comfortable with the implementation of further efforts to rinse the affected portions of the concrete channel. The CDFG has indicated that additional rinsing should provide further reduction of any residual chromium concentrations found in water samples of the channel. The CDFG staff requested that Regional Board staff review the pending re-sample results and possible concurrence with the capping idea. The Regional Board staff concurs with the capping of the affected culvert, if further rinsing is shown not to be an effective approach to remediation of the affected area. The status of the cleanup effort is static at this time, although the RP was planning to hire a cleanup contractor to be on-scene Friday (August 6, 2004) to perform another rinse of the affected area. The staff will continue to update the Regional Board in future Executive Officer Reports.

13. Proposed Gregory Canyon Landfill *(John Odermatt) (Attachment B-13)*
On June 9, 2004, the Regional Board received a letter (Attachment B-13a) from the "Citizens for Environmental Solutions" (CES) expressing their views regarding the proposed Gregory Canyon Landfill. Their letter requested an opportunity to make an informal presentation to the Regional Board on this topic. The group also provided additional supporting information (Attachment B-13b). On July 30, 2004, the Regional Board staff sent a letter response (Attachment B-13c) to CES informing them of their

opportunity to address this issue to the Regional Board members during the Public Forum at a future monthly meeting.

14. Six Month Progress Report to State Auditor on Regional Board's Administration of Water Quality Improvement Projects Funded By Enforcement Action *(Rebecca Stewart and Mark Alpert)*

On July 7, 2004 CalEPA submitted a six-month progress report to the Bureau of State Audits in response to recommendations made to improve the administration of supplemental environmental projects (SEPs) funded by enforcement actions. The audit was conducted in September 2003 at several of the Regional Board offices, including the San Diego Region. These recommendations included ensuring that Regional Boards recover staff costs associated with enforcement actions and use the recovered funds in an appropriate manner, identify water quality improvements within the regions and request funding for those projects from monies collected in the Cleanup and Abatement Account, monitor the progress and completion of SEPs, and promptly issue ACLs for mandatory minimum penalties (MMPs). In addition, the Department of Financial Assistance was instructed to consistently review funding requests for water quality improvement projects.

In the response, the State Board has developed a form with instructions in a new chapter for the Administrative Procedures Manual (APM). The chapter is posted on the State Board's intranet page. Recently, the San Diego Region used the new procedures to request nearly $100,000 for reimbursement of staff costs for preparing civil liability in FY 2002 and is working on staff costs for FY 03.

The State Board has revised or is in the process of revising the appropriate chapters in the APM to address these concerns as well as enhancing the System for Water Information Management (SWIM) Compliance Module. In addition, efforts are underway to streamline the MMP process to address the backlog.

As you may recall, the Bureau's findings and conclusions were favorable to the San Diego Regional Board for its' close oversight of SEPs and vigilant collection of resources generated from assessment of civil liability. The San Diego Region was already following many of the recommendations ultimately contained in the auditors report. These included; applying to the State Board for reimbursement of RB costs for imposing civil liability, and providing the periodic status reports on SEPs approved in the region.

15. Supplemental Environmental Project Status Report *(Rebecca Stewart)*

This is an update to the status report on Supplemental Environmental Projects (SEPs) previously provided to the Regional Board. In the past quarter, several of the Region's active SEPs were completed. There are currently three active SEPs being monitored by the Regional Board. The last new SEP was approved in March 13, 2003.

The following discussion is aimed at updating those SEPs with significant activities that may be an issue in the future.

South Coast Water District ACL Order No. R9-2003-0037

Water Quality Testing Laboratories at Shorecliffs Middle School and Laguna Beach High School
The Surfrider Foundation's student ocean water testing programs at Laguna Beach High School and Shorecliffs Middle School were completed in June. The projects concluded with the students compiling the water quality data collected during the school year and the presentation of final reports to their respective Surfrider chapters. All funding for each of the SEPs was expended.

Community Kelp Restoration Project
The project is currently in progress with the actual kelp planting commencing in July 2004. Community outreach and education activities were conducted at various events building knowledge of and interest in the kelp restoration project. Kelp monitoring activities are scheduled to begin in October.

City of San Diego, Adobe Falls Sewage Spill, ACL Order No. 2000-103

All of the eight SEPs funded through Order No. 2000-103 have been completed, with several of the projects beginning maintenance periods. The City will continue with maintenance activities in the Chaparral Canyon south of Lake Murray, Adobe Falls, Alvarado Canyon, and in the San Diego River area down stream of the February 2000 sewage spill.

The City reported that in all but one project, the Mission Bay Water Quality Survey, they expended more than the funds identified in ACL Order No. 2000-103. The City is currently preparing a final account for this project and it is anticipated they will be submitting a check for as much as $40,000 for deposit in the State Board's Cleanup and Abatement Account. The City reports that the laboratory analysis and personnel costs for the project were less than anticipated.

City of San Diego, Tecolote Canyon Sewage Spill, ACL Order No. R9-2001-0174

Mission Bay Human Pathogenic Viruses and Epidemiology Combined Study
This is the one remaining SEP funded by Order No. R9-2001-0174. The study is progressing on schedule with a completion date of December 31, 2004.

Shea Homes, Construction Stormwater Violations, ACL Order No. R9-2003-0253

Shea Homes deposited $40,000 into an environmental enhancement account established by the Agua Hedionda Lagoon Foundation to be used to promote the Foundations'

mission to conserve, restore, and enhance the natural resources of the Agua Hedionda Lagoon. The Foundation has until February 2005 to use the funds.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Onsite Wastewater Treatment Systems *(Robert Morris)*

As enacted by Assembly Bill 885 and prescribed by California Water Code section 13291, the State Water Resources Control Board is currently drafting new statewide regulations for the permitting and operation of onsite wastewater treatment systems (OWTS). An OWTS is any individual or community onsite wastewater treatment, pretreatment, and dispersal system. The most common OWTS in the San Diego Region is the "conventional" septic tank/leach field system. There are also a few systems referred to as "alternative systems" such as mounds and evaporation/transpiration systems. In addition, the SDRWQCB recently has received several proposals for onsite systems referred to as "experimental systems". These systems, which are designed to reduce pathogen and nitrate levels in the discharge, consist of small treatment plants with shallow subsurface drip irrigation systems on individual homesites and commercial lots.

As currently drafted, the new regulations would require the RWQCBs to issue waste discharge requirements for all OWTS beginning in January 1, 2009, unless a local environmental health agency assumes responsibility for enforcement of the regulations through a Memorandum of Understanding (MOU) with the appropriate RWQCB. Under the MOU, the local agency would issue renewable operating permits to the owners of OWTS. This proposed regulatory approach is a departure from current local regulatory practices of issuing construction, but not operating permits for new systems.

Also noteworthy in the draft regulations is a requirement for all new conventional OWTS to be evaluated annually using a representative sample from the unsaturated zone directly beneath the dispersal field. If the sample and two sequential samples taken within 60 days of the original sample show nitrate as nitrogen concentrations exceeding 10 mg/L, the regulations require the owner to upgrade the system to an advanced treatment system. Based upon a study sponsored by the SDRWQCB in 1982, we do not expect many conventional systems in the Region to be able to meet this proposed standard. The results of the study, conducted by San Diego State University, suggest that the concentration of nitrate as nitrogen in the soil water below the dispersal field is on the order of 35 to 45 mg/L. Consequently, the onsite systems that we consider today as being "experimental" may be the standard onsite systems required for the Region in the future. The principal regulatory issue with these treatment and dispersal systems will be developing a program to assign accountability for the reliable, long-term and proper operation and monitoring of these systems.

The statewide regulations would require the property owner to contract with a qualified service provider for maintenance and monitoring of the OWTS. Until such time that the

statewide regulations go into effect, the SDRWCB is requiring the project proponents for experimental systems to identify a public agency that will assume legal authority and responsibility for the operation and maintenance of the proposed systems. This requirement is necessary to provide a reasonable assurance that the systems are the responsibility of an entity capable of fulfilling a long-term commitment to protecting water quality. Project proponents, however, have found local public agencies declining to take on this responsibility. In effect, the public entity requirement has discouraged project proponents from implementing onsite experimental wastewater treatment systems within the Region.

2. *Caulerpa taxifolia* Eradication and Prevention Activities *(Chiara Clemente & Bruce Posthumus)*

Pursuant to SWRCB Resolution No. 2001-309, the SDRWQCB recently completed the eleventh quarterly (April-June 2004) progress report to the SWRCB on efforts to eradicate infestations of the invasive non-native seaweed *Caulerpa taxifolia* and to prevent new infestations. A summary of that report follows.

During this period, no surveys were conducted in Agua Hedionda Lagoon (AHL), and the Spring 2004 survey was completed in Huntington Harbour (HH). No *Caulerpa taxifolia* was found. No *C. taxifolia* has been detected in AHL since September 2002 or in HH since November 2002. However, it is vital to continue surveillance efforts throughout California and other coastal waters to ensure complete eradication at AHL and HH and to determine whether there are other infestation sites.

Staff continued to chair and prepare agendas and minutes for the Southern California Caulerpa Action Team (SCCAT) meetings. The primary responsibility of SCCAT is to oversee eradication efforts and provide guidance on related work.

During this quarter, staff continued to oversee work performed by United States Department of Agriculture under a $600,000 Clean Water Act (CWA) §319(h) grant to develop treatment methods for infestations of *C. taxifolia* in high-energy, open coastal environments. Staff also continued to work with SWRCB to prepare a $500,000 CWA §319(h) grant contract with the Agua Hedionda Lagoon Foundation (AHLF) for eradication, surveillance, and outreach efforts. A contract request package was submitted to SWRCB on June 29, 2004. Staff also began grant agreement negotiations for a Proposition 13 grant of $2.266 million to California Department of Fish and Game(CDFG) for resumption of surveillance in "high risk" areas where infestations could be present.

In February 2004, AB 2072 and AB 2073 (Wyland) were introduced. Both AB 2072 and AB 2073 have to do with providing for restriction or prohibition of recreational vessel activity if that activity would hinder or jeopardize efforts to control or eradicate *C. taxifolia*. Existing law, created by AB 1059, provides for such restrictions or prohibitions in AHL indefinitely. AB 2072 would provide for such restrictions and prohibitions only in AHL and only for one year after declaration of eradication of *C. taxifolia* there.

Existing law does not provide for such restrictions or prohibitions in waters of the state in general, since that provision of AB 1059 was automatically repealed on January 1, 2004. AB 2073 would provide for such restrictions and prohibitions in waters of the state in general until January 2010. AB 2072 appeared to be progressing through the legislature, but AB 2073 appeared not to be progressing.